

REMARKS

I. INTRODUCTORY REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. The Office Action dated May 4, 2010 has been received and its contents carefully considered. Applicant amends claims 1, and 12-15. Claims 2 and 4 remain cancelled. Due to the Restriction Requirement of December 8, 2009, claims 17-22 remain withdrawn. Claims 1, 3, and 5-23 are currently pending in this application. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

II. INFORMATION DISCLOSURE STATEMENT

The Action provides that document AU 4708085 A was not provided with the Information Disclosure Statement of June 23, 2006. When Applicant submitted the Information Disclosure Statement of June 23, 2006, there was an exchange program in effect between the United States Patent and Trademark Office, the European Patent Office, and the Japanese Patent Office. The exchange program facilitated the exchange of references cited in each Office. Since it appears that the document AU 4708085 A was not provided by the exchange program, Applicant herewith concurrently files an Information Disclosure Statement with the document enclosed. Document AU 4708085 A was first cited in an International Search Report of a counterpart application. Applicant respectfully requests the acknowledgement of document AU 4708085 A in the next response.

III. DRAWINGS

Beginning on page 2, the Action objects to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. More specifically, the Action provides that the “fixing member being adapted to be hooked under a part of the vehicle roof, as set forth in claim 23, must be shown of the feature(s) canceled from the claim(s).” Applicant respectfully submits that the features of claim 23 are depicted in at least figures 3 and 5. Figure 3 provides a cross-sectional view of the vehicle roof 1 with the recess 2 containing adhesive 5, and the fixing member 3 secured in position by the adhesive under a part of the vehicle roof (See Specification, page 7, lines 11-15). In this embodiment, the fixing member 3 is adapted to be hooked under a part of the vehicle roof as recited in claim 23. Further, Figure 5 provides a fixing member 3 that includes dovetails 10 and protrusions 11 which provide greater surface area for adhesion (See Specification, page 8, lines 6-13). In this embodiment, the fixing member 3 is adapted to be hooked under a part of the vehicle roof as recited in claim 23. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the drawing objection.

IV. CLAIM OBJECTIONS

On page 3, the Action objects to claim 11 for depending on claim 8 and not claim 10. Applicant herewith amends claim 11 to depend on claim 10 as suggested by the Action. The Action also objects to claim 15 for not finishing the claim. Applicant herewith amends claim 15 to correspond to the amended claims of the corresponding International Patent Application PCT/GB2004/005171. Amendments to the International Patent Application were received by the International Bureau on June 13, 2005 in which original claims 1-17 were replaced by amended

claims 1-22. The present application entered the United States National Stage on June 23, 2006.

Applicant respectfully requests reconsideration and withdrawal of the claim objections.

V. CLAIM REJECTIONS UNDER 35 U.S.C §112

Starting on page 3 of the Office Action, claims 1, 3, 5-16, and 23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

A. CLAIMS 1, 12, AND 14

The Office Action notes that the phrase “and/or” does not distinctly claim a particular structure and renders the scope of the claims indefinite. Applicant herewith amends claims 1, 12, and 14 to remove the phrase “and/or” as indicated above. The Action also notes that the term “including” is not clear in claim 12. Applicant herewith amends claim 12 to clarify the “including” term. Applicant respectfully requests these rejections to be withdrawn.

In view of the above, it is believed that claims 1, 3, 5-16, and 23, as amended, are clear and definite within the meaning of 35 U.S.C. § 112, second paragraph. The Applicant therefore respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(B)

On page 4, the Office Action rejects claims 1, 3, 5-11, 13-16, and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,792,180 to Jacobsen. The rejection is respectfully

traversed. Applicant respectfully submits that claims 1, 3, 5-11, 13-16, and 23 are allowable for at least the following reasons.

A. CLAIM 1

First, Jacobsen fails to disclose or recite a "method of attaching a load carrier fixing member to a vehicle" and "attaching the fixing member to the vehicle, for subsequent attachment of a load carrier to the fixing member," as recited in claim 1. The Office Action aligns the molding 42 of Jacobsen with the claimed load carrier fixing member. However, the molding 42 of Jacobsen is provided for filling a gap 36 of a vehicle located between the door and the roof panel (Jacobson, col. 1, lines 35-46 and col. 2, lines 54-57). The molding 42 of Jacobsen is not a "load carrier fixing member." Once the molding 42 is in place, a load carrier could not be subsequently attached to the molding 42 of Jacobsen. In fact, the molding 42 is for concealing a flange attachment and filling the gap, but not for having a load carrier subsequently attached thereto (Jacobson, col. 1, lines 20-24). Jacobsen fails to disclose a "method of attaching a **load carrier fixing member** to a vehicle" and "attaching the fixing member to the vehicle, **for subsequent attachment of a load carrier to the fixing member**," as recited in claim 1 (Emphasis added).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection. Hence, claim 1 is allowable for at least the above reason.

B. CLAIMS 3, 5-11, 13, AND 23

Claims 3, 5-11, 13, and 23 depend from independent claim 1 and overcome the §102(b) rejection for at least the same reasons as claim 1. Reconsideration and withdrawal of the rejection is respectfully requested in view of the foregoing amendments and remarks.

C. CLAIMS 14-16

Independent claim 14 recites similar features as independent claim 1 and overcomes the §102(b) rejection for at least the same reasons. In particular, claim 14 recites, a “method of attaching a load carrier fixing member to a vehicle” and “attaching said fixing member to the vehicle.” Claims 15 and 16 depend from independent claim 14 and overcome the §102(b) rejection for at least the same reasons as claim 14. Reconsideration and withdrawal of the rejection is respectfully requested in view of the foregoing amendments and remarks.

VII. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(A)

On page 5 of the Office Action, claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobsen in view of U.S. Patent No. 4,904,328A to Beecher et al. Applicant respectfully traverses this rejection. Claim 12 depends from claim 1, which, as demonstrated above, is allowable over Jacobsen for at least the foregoing reasons. Applicant respectfully requests reconsideration and withdrawal of this rejection.

VIII. CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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